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& EBENSTEIN**

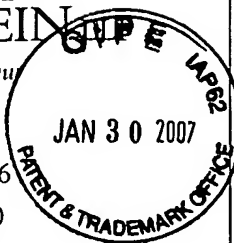
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January 30, 2007

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Via Express Mail  
(EV 800502021 US)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

"Express Mail" mailing label No.	EV 800502021 US
Date of Deposit:	October 11, 2006
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Elie H. Gendloff
Signature:	

Re: U.S. Patent Application Serial No. 10/542,958  
(U.S. National Phase Entry of PCT/US04/01773)  
Title: USE OF MYCOBACTERIAL VACCINES IN CD4<sup>+</sup>  
OR CD8<sup>+</sup> LYMPHOCYTE-DEFICIENT MAMMALS  
Inventors: William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov,  
Vasan Sambandamurthy and Sheldon Morris  
Our File: 96700/1031

Dear Sir:

Pursuant to our receipt of a "Notification of Abandonment" and a "Notification of Defective Response," enclosed please find the following documents for filing with the above-identified patent application in the names of William R. Jacobs, Jr., Tsungda Hsu, Stoyan Bardarov, Vasan Sambandamurthy and Sheldon Morris, entitled USE OF MYCOBACTERIAL VACCINES IN CD4<sup>+</sup> OR CD8<sup>+</sup> LYMPHOCYTE-DEFICIENT MAMMALS, comprising the following:

1. a "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)," Form PTO/SB/64 (2 pages);
2. a copy, as required, of the "Notification of Defective Response" dated September 13, 2006 for the above-identified case (2 pages);

Commissioner for Patents  
Serial No. 10/535,378  
Mail Stop Petition

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January 30, 2007

3. an "Amended Reply to Notification of Defective Response and Statement Establishing Unintentional Delay" (2 pages);
4. three (3) individual Declarations as signed by each of the living inventors, as required by the "Notification of Defective Response" (4 pages for each Declaration with all inventors named on each Declaration, a total of 12 pages);
5. an Amster Rothstein & Ebenstein LLP check in the amount of \$750 to cover the Petition fee under 37 C.F.R. 1.17(m), claiming small entity status; and
6. a return receipt postcard.

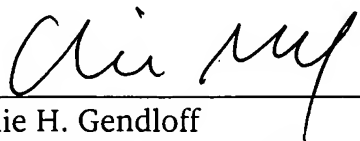
Small entity status was previously established and is still proper.

Please acknowledge receipt of the enclosed papers by stamping the enclosed postcard and returning same to us.

Respectfully submitted,

Amster, Rothstein & Ebenstein LLP  
Attorneys for Applicants  
90 Park Avenue  
New York, NY 10016  
212 336 8000

Dated: New York, New York  
January 30, 2007

By:   
Elie H. Gendloff  
Registration No. 44,704

96700/1031



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/542,958	FIRST NAMED APPLICANT William R Jacobs JR.	ATTY. DOCKET NO. 96700/1031
INTERNATIONAL APPLICATION NO. PCT/US04/01773		
I.A. FILING DATE 01/23/2004		PRIORITY DATE 01/24/2003

1912  
 AMSTER, ROTHSTEIN & EBENSTEIN LLP  
 90 PARK AVENUE  
 NEW YORK, NY 10016

CONFIRMATION NO. 2060

371 FORMALITIES LETTER



\*OC000000020406805\*

Date Mailed: 09/13/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 07/21/2005
- Copy of the International Search Report filed on 11/14/2005
- Copy of IPE Report filed on 11/14/2005
- Preliminary Amendments filed on 07/21/2005
- Biochemical Sequence Diskette filed on 07/06/2006
- Oath or Declaration filed on 07/06/2006
- Biochemical Sequence Listing filed on 07/06/2006
- U.S. Basic National Fees filed on 07/21/2005
- Priority Documents filed on 07/21/2005
- Specification filed on 07/21/2005
- Claims filed on 07/21/2005
- Abstracts filed on 07/21/2005
- Drawings filed on 07/21/2005

Applicant's response filed 07/06/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/13/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. A new declaration executed by the living inventors required.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,958	PCT/US04/01773	96700/1031